

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE**

IN RE:  
DAVID KIRKLAND ANDREWS

CASE NO. 22-03257-MH1-13  
HEARING DATE: December 21, 2022  
JUDGE MARIAN F HARRISON

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**TRUSTEE'S MOTION TO DISMISS OR IN THE ALTERNATIVE CONVERT FOR CAUSE FOR FAILURE  
TO CONFIRM A PROPOSED PLAN PURSUANT TO 11 U.S.C. § 1307(c)(5)**

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**THE HEARING WILL BE Joint Hearing Courtroom (COL); (Virtual hearing if allowed; see website for  
details); 701 Broadway, Nashville, TN 37203.**

Henry E. Hildebrand, III, Standing Trustee for Chapter 13 matters in the Middle District of Tennessee, hereby moves the Court to dismiss or in the alternative convert the above-styled case, whichever is in the best interest of creditors and the estate, for cause, pursuant to 11 U.S.C. § 1307(c)(5) for denial of confirmation of a plan under § 1325 and denial of a request made for additional time for filing another plan or modification of a plan.

In support of this motion, the Trustee would state that the Trustee has requested a hearing on confirmation of the debtor's proposed Chapter 13 plan based upon an objection to confirmation of the debtor's proposed plan. In the event the objection to confirmation is sustained, the debtor's proposed plan is not confirmed and request by the debtor, if any, for additional time to file another plan or a modification of the proposed plan is denied, the Trustee would request this Court dismiss or in the alternative convert the case, whichever is in the best interest of creditors and the estate, for cause, pursuant to 11 U.S.C. § 1307(c)(5).

The Trustee requests the Court set a hearing on this motion to dismiss or in the alternative convert on the same date and time as the hearing on confirmation of the proposed plan.

WHEREFORE, THE PREMISES CONSIDERED, the Trustee respectfully moves this Court to dismiss or in the alternative convert, whichever is in the best interest of creditors and the estate, for cause, the above-styled case, pursuant to 11 U.S.C. § 1307(c)(5), for failure to confirm a proposed plan.

Respectfully submitted,

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
CHAPTER 13 TRUSTEE  
P O BOX 340019  
NASHVILLE, TN 37203  
PHONE: 615-244-1101  
FAX: 615-242-3241  
pleadings@ch13nsh.com

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**CERTIFICATE OF SERVICE**

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I hereby certify that a true and correct copy of the foregoing has been served by US Postal Service, postage prepaid on DAVID KIRKLAND ANDREWS, 2098 Nashville Hwy, Columbia, TN 38401 and J ROBERT HARLAN, P O Box 949, Columbia, TN 38402-0949;

and by email by Electronic Case Noticing to The Office of the United States Trustee,  
and objecting creditor(s)

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on this 29th day of November, 2022.

/s/ Henry E. Hildebrand, III  
HENRY E. HILDEBRAND, III  
Chapter 13 Trustee